

Court of Appeals, State of Michigan

ORDER

Lisa Mary Moncrieff v James Moncrieff

Docket No. 308299

LC No. 2006-001774-DM

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the order of February 14, 2012, is VACATED to the extent that it held the application in abeyance.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the January 24, 2012, order of the Washtenaw Circuit Court granting defendant additional parenting time hereby is VACATED. A trial court may modify or amend its previous orders for parenting time only for "proper cause shown or because of change of circumstances." *Terry v Affum (On Remand)*, 237 Mich App 522, 535; 603 NW2d 788 (1999); MCL 722.27(1)(c). The hearing transcript reflects that the circuit court declined to hold an evidentiary hearing based on the allegations of defendant's adult children because the matter had been referred to the Department of Human Services and to the police. The circuit court thereafter granted defendant's motion for additional parenting time with the minor child. However, the circuit court itself has the responsibility of ordering parenting time that is in the best interests of the child, MCL 722.27a. In light of the allegations, the circuit court is directed to hold an evidentiary hearing within 30 days of the Clerk's certification of this order. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 15 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk